OBSERVATIONS

ON THE

LATE *PROCEEDINGS* IN

The PARLIAMENT of IRELAND,

ON THE QUESTION OF A

REGENCY FOR THAT KINGDOM.

[Price a Britiſh Shilling.]

OBSERVATIONS

ON THE

LATE *PROCEEDINGS* IN THE

PARLIAMENT of IRELAND,

ON THE

QUESTION

OF A

REGENCY FOR THAT KINGDOM.

BY DOMINICK TRANT, ESQ.

ONE OF HIS MAJESTY'S COUNCIL AT LAW IN IRELAND.

QUIS SEPARABIT——?

DUBLIN:

PRINTED BY W. SLEATER, No. 28, DAME-STREET.

MDCCLXXXIX.

48.
4.
141.

OBSERVATIONS

ON THE

LATE *PROCEEDINGS* IN

The PARLIAMENT of IRELAND, &c.

TO form a true judgment of great political tranſactions, and of the conduct of men concerned in the manangement of publick affairs, it is neceſſary to look forward into time, and conſider how the proceedings of the age in which we live may probably affect the intereſts of our poſterity. —In private life, a prudent father of a family looks beyond his own narrow ſpan of exiſtence, and, in the management of his own preſent intereſts, endeavours to promote the proſperity of his deſcendants: In

the great family of the publick, this rule of conduct is ſtill more binding on every good citizen; he poizes, with the utmoſt circumſpection, the good and the evil of every meaſure of general importance; overleaps the narrow limits of party, of avarice, and of the ſordid views of the moment; and, with a liberal and dignified policy, ſecures the ſolid and eſſential intereſts of generations yet unborn.

By this great rule, applicable to all countries and to all ages, I propoſe to examine the late proceedings of the two houſes of Parliament of this kingdom on the queſtion of REGENCY, and to ſee how far they tend to counteract, or to promote, the real and permanent intereſts of the Kingdom of IRELAND.

As countries differ from each other in moral and phyſical points of view, in ſituation, laws, religion, original connections, habits, reſources, and various other objects of conſideration, ſo muſt their intereſts eſſentially

eſſentially differ; it is exceedingly difficult to determine, in the abſtract, the utmoſt poſſible publick good which may be attained in any country; this political problem has been found too difficult for the beſt Lawgivers, the ableſt Stateſmen, and the moſt conſummate Writers and Philoſophers; the REPUBLIC of PLATO, the UTOPIA of SIR THOMAS MORE, and the OCEANA of HARRINGTON have all been the reveries of great and excellent men, differing from each other in theory, and none of them reducible to practice: Local intereſts and prejudices, ancient laws and habits, various combinations of internal expediency, numerous relations of external intereſts and connections, and the great dangers of general innovation, muſt, when united, place an inſurmountable barrier againſt ſpeculative Politicians.—Men of warm imaginations frequently confound the *poſſible* with the *probable*, and, having created, by the plaſtic powers of Fancy, a new people, in a new country, and in the pure ſtate of Nature, they model them at

will, and, like the fabled ORPHEUS and AMPHION, build up ſyſtems of ſocial life and government by the tones of the Lyre, and the powers of Song:—But Judgment and not Imagination ſhould lead the practical Politician; He muſt ſee things as they are, conſider what they have been, and weigh well the advantages and diſadvantages of any change:—He muſt perceive that ſtrong expediency ſometimes equals neceſſity; that the preſent order of things is not always to be violated on the contingency of producing a better, and that the *beſt poſſible conſtitution* is as much a relative term and idea in the Moral, as in the Phyſical, world.

Let us apply this to the political State of Ireland as to its EXECUTIVE GOVERNMENT, as we now find it, and as it has been for many centuries; and to a recent attempt of a Majority of both Houſes of Parliament to alter its frame and conſtitution, under the idea of improving its ſecurity and independence; and let us conſider whether

whether this ſuppoſed improvement has not been introduced merely to anſwer the purpoſes of Party; to delude the warm and honorable affections of the GENTLEMEN of IRELAND often ſtrongly inclined to ſupport even the appearance of Patriotiſm; and whether, in the event, it muſt not neceſſarily lead to Conſequences dangerous to our political Security, ſubverſive of our fundamental Laws, and fatal to the eſtabliſhed Religion and Government of this Country.

The Conſtitution of Ireland, as to its Executive Government, as it now is, and as it long hath been, is of a very peculiar nature, formed by a variety of events in our Hiſtory, and recognized and declared by our written Laws on principles of Certainty and Wiſdom.

From the Conqueſt or Acquiſition of Ireland by Henry II. and the univerſal Submiſſion of the ſeveral Provincial Kings to that Monarch, as to their Lord Paramount, the Common Law and Conſtitution

and

of England became thoſe of Ireland, and this Kingdom, under the Name of a Lordſhip, became a Dominion of the Crown of England, inſeparably annexed and knit thereto, and dependant thereon; this annexation or dependency, founded on Conqueſt, Ceſſion, and Acknowledgment, is clearly declared and recognized in many of our Acts of Parliament, ſome of which I ſhall briefly mention.

The 28th of Hen. VIII. Cap. 2; Entitled, "*An Act of Succeſſion of the King* "*and Queen Anne*," recites that ſeveral perſons had pretended titles "to the Imperial "Crown of the Realm of England, where- "unto this your Land of Ireland is ap- "pending and belonging."

28 Hen. VIII. Cap. 3. "*The Act of* "*Abſentees*,"—begins with this recital "For- "aſmuch as it is notorious and manifeſt "that this the King's Land of Ireland, "heretofore being inhabited, and in due "obedience and ſubjection unto the King's "moſt

" moſt noble Progenitors, Kings of Eng-
" land, who in thoſe days, in the right of
" the Crown of England, had great poſſeſſi-
" ons, rents and profits within the ſame
" land, hath principally grown into ruin,"
&c.

And, in another part of the ſame Act, it is enacted, " That the King, his Heirs, " and Aſſigns ſhall have hold and enjoy, " as in the right of the Crown of England, " all Manors, &c." of the Abſentees from Ireland therein named.

28 Hen. VIII. Cap. 5, recites in the Preamble " Foraſmuch as this Land of " Ireland is depending and belonging, juſt-
" ly and rightfully, to the Imperial Crown
" of England" and then enacts " that the
" King our Sovereign Lord, his heirs and
" ſucceſſors, Kings of the Realm of Eng-
" land, and Lords of this ſaid Land of
" Ireland, ſhall be accepted, taken and re-
" puted the only ſupreme head in Earth
" of the whole Church of Ireland, (called

" *Hibernica*

" *Hibernica Eccleſia)* and ſhall have and " enjoy, annexed and united to the Imperial " Crown of England, as well the ſtile and " title thereof, as all honors," &c.

28 Hen. VIII. Cap. 6—*the Act of Appeals*, firſt recites that divers good and wholeſome Laws were made in the realm of England for the taking away all Appeals from the Biſhop of Rome: and See Apoſtolick " and foraſmuch as this Land " of Ireland is the King's proper Dominion " of England, and united, knit, and belonging " to the Imperial Crown of the ſame " realm, which Crown, of itſelf, and by itſelf, " is fully, wholly, entirely and rightfully endowed and garniſhed with all power, " authority and preeminence &c," and then follows the enacting part, which directs that ſuch appeals ſhall be brought to the King of England, and Lord of Ireland, his heirs and ſucceſſors, and further directs that, on ſuch appeal, the Chancellor of England, or Keeper of the great Seal for the time being, ſhall grant a Commiſſion

or

or delegacy to ſome diſcreet and well learned perſon of this Land of Ireland, or elſe in the Realm of England, for final determination of all Cauſes and Griefs in ſaid Appeals, &c.

28 Hen. VIII. Cap. 14. "*An Act for the twentieth part*" enacts "that the King's "Majeſty, his heirs and ſucceſſors, Kings "of the realm of England, for more aug- "mentation and maintenance of the Royal "Eſtate of his Imperial Crown, and dig- "nity of ſupreme head of the Church of "England and of Ireland, ſhall yearly have, "take, enjoy and receive, united and knit "to his Imperial Crown for ever, one year- "ly rent or penſion," &c.

N. B. At the time of paſſing this laſt mentioned Act, King Henry VIII. was ſtiled LORD and *not* KING of IRELAND—the Grant was therefore to him, merely as KING OF ENGLAND, and annexed to the Imperial Crown of *that realm.*

28 Hen. 8. cap. 19.—" *The Act of Facul-*
" *ties,*" recites at length the Engliſh Act of Faculties, and then, in the 21ſt Section, proceeds, " Foraſmuch as it is mentioned " in the ſaid Act that the effects thereof " ſhould not only extend into the realm " of England and to the commoditie there- " of, and of the ſubjects of the ſame, " but alſo to all other the King's Domini- " ons and his Subjects, and that this the " Land of Ireland is his proper Dominion, " and a member appending and rightfully " belonging to the Imperial Crown of the " ſaid realm of England and united to the " ſame," &c,

Thus it appears, from the recitals and enacting clauſes of theſe ſeveral Statutes, that the Land, Dominion or Lordſhip of Ireland was, from the firſt Settlement of the Engliſh in this Country, conſidered as a Member of and belonging to the Imperial Crown of England.—However, as the title of KING ſounded ſweetly in the Ears of the Iriſh, and the title of LORD, derived from feudal

feudal principles, appeared, to them, comparatively inferior, King Henry VIII. and his Parliament, thought it adviſeable to change the title of LORD into that of KING, and recogniz'd and confirmed the original ſubordination and appendancy of Ireland of the Crown of England by the following Statute—

33 Hen. VIII. cap. 1.—" *An Act that the King of England, his heirs and ſucceſſors be Kings of Ireland.*"—After reciting that the Kings of England have been Lords of this Land of Ireland, then enacts " that the " King's Highneſs, his heirs and ſucceſſors, " Kings of England, be always Kings of " this Land of Ireland, with all manner of " honours, preeminences, prerogatives, " dignities and other things, whatſoever " they be, to the Eſtate and Majeſty of a " King Imperial appertaining or belonging, and that his Majeſty, his heirs and " ſucceſſors, be, from henceforth, named, " called, accepted, reputed, and taken to " be Kings of this Land of Ireland, to

" have,

" have, hold and enjoy the ſaid ſtile, title,
" Majeſty and honors of King of Ireland,
" with all manner of preeminence, prero-
" gatives, dignities, and all other the pre-
" miſes unto the King's highneſs, his heirs
" and ſucceſſors for ever, as united and
" knit to the Imperial Crown of the realm
" of England," &c.

Many other Acts I might adduce, all proving the ancient annexation, ſubordination and dependency of the Land, Lordſhip, and Crown of Ireland on the Imperial Crown of England, before any Statute was enacted for that purpoſe, but I haſten to more modern times, in which this great conſtitutional point has been proved in actual practice, and confirmed by various Statutes of this Kingdom.

When King James II. in 1688, had abdicated his Crown of England, and, on the 7th of February, 1688-9, the Lords united with the Commons of the Convention Parliament in a vote that the throne

was

was vacant, and, by a declaration of the 13th of February, 1688-9; fixed the Crown on the heads of William and Mary, Prince and Princeſs of Orange, by *that Vote* and *Declaration* of the Convention Parliament of England King James II. was, *inſtantly* and *completely* deprived of all right to the *Crown of Ireland*, though he had not deſerted or abdicated the exerciſe of the functions of *that Crown ſeparately*, and though the Parliament of Ireland had no ſhare in ſuch Vote or Declaration, and did not recognize the right of William and Mary till the year 1692, when the firſt Parliament after the Revolution was holden in Ireland in the 4th of William and Mary.

It is well known to all, converſant in the ſlighteſt degree with the Hiſtory of this Kingdom, that King James's Government was exerciſed in full vigour and practice in Ireland, long after the Declaration of Abdication and Vacancy of the Throne, and Settlement of the Crown by the Parliament of England.

England.—There never had been any dereliction, or even ſuſpenſion, of the Adminiſtration of King James *in this Kingdom* until after the battle of the Boyne in July, 1690.—His Lord Lieutenant TYRCONNEL had never been removed from, or diſturbed in, his Government, until King James himſelf arrived in Ireland on the 12th of March 1688-9, from which day, until his ſhameful flight after the battle of the Boyne, he exerciſed, *in perſon*, all the functions of the Crown of Ireland.

Within that period He called a Parliament in Dublin, one of whoſe firſt acts was an aſſertion of the Independency of the Iriſh Legiſlature and Courts of Juſtice, but even they, in their Rage for Reformation and Independence, did not yet think the time ripe for a total ſeparation, nor did they venture, by any ſolemn act, to ſever the Union of the two Crowns, or to diſclaim the dependency of that of Ireland on that of England: all their proceedings, however, had a tendency that way, and, if

continued a little longer, muſt have produced the long deſired eternal diſunion of the two Kingdoms.

But the ſucceſs of King William reſtored the old Engliſh Conſtitution of this Country, and the firſt Act of a free and Proteſtant Parliament recognized and confirmed the indiſſoluble union of the EXECUTIVE POWER in both kingdoms, and the dependency of Ireland, in all matters of Imperial Government, on England the Center and main Support of the Empire.

The firſt Parliament of King William and Queen Mary in Ireland paſſed the 4th of W. and M. cap. 1. "*An Act of Recognition of their Majeſties undoubted right to the Crown of Ireland.*"—As this Act clearly recognizes and aſcertains the great point of the ancient union of the two Crowns, and the dependency of that of Ireland on that of England, I ſhall lay it before my readers at full length in the Appendix.

Appendix No. 1.

The

The 7th of W. and M. cap. 7. *An Act declaring the Attainders and all other Acts made in the late pretended Parliament to be void*, aſcertains this great principle in the ſtrongeſt manner:—the words of the preamble are, " Foraſmuch as ſince the happy Acceſ-
" ſion of his Majeſty King William and
" the late Queen Mary of bleſſed memory
" to the Imperial Crown of England,
" whereunto this kingdom of Ireland is in-
" ſeparably annexed, united and belonging,
" no Parliament could or ought to be holden
" within this kingdom, unleſs by their Ma-
" jeſties Authority, yet, nevertheleſs, divers
" perſons during the late War and Rebel-
" lion in this Kingdom did, on or about
" the ſeventh day of May, 1689, aſſemble
" themſelves at or near the City of Dublin,
" without authority derived from their Ma-
" jeſties, and in oppoſition thereto, and be-
" ing ſo aſſembled did pretend to be, and
" did call themſelves by the name of, a
" Parliament, and, acting in concurrence
" with the late King James, did make and
" paſs ſeveral pretended Acts or Statutes,

" and

" and did cauſe the ſame to be placed and
" recorded amongſt the records and pro-
" ceedings of Parliament, all which pre-
" tended Acts were formed and deſigned in
" manifeſt oppoſition to the Sovereignty
" of the Crown of England, and for the
" utter deſtruction of the Proteſtants and
" the whole Proteſtant Intereſt in this king-
" dom, and are and were null and void to
" all intents and purpoſes whatſoever."
Then the Act proceeds to direct the can-
celling and deſtruction of the ſeveral
Acts, Rolls and other Proceedings of the
ſaid pretended Parliament, and enacts
and declares all ſuch Acts and Proceed-
ings, or pretended Acts and Proceedings,
of the ſaid pretended Parliament, to have
been from the firſt making thereof, and
now to be, abſolutely null and void, to all
intents, conſtructions and purpoſes what-
ſoever.

Here we perceive that, by a Declaration
of the Engliſh Convention Parliament in
1688-9, King James ceaſed to be, *de Jure*

et de Facto, King of Ireland, *tho' he acted as King in Ireland, and with the ſanction of an Iriſh Parliament.*—Such pretended and illegal aſſumption, or continuance of kingly power in Ireland, after the declaration of vacancy of the Engliſh Throne, did not even conſtitute him *King de facto of Ireland*, in the eye of the ſucceeding Parliaments from that day to the preſent period; did not legalize any of his nominations to Office, additions to the Peerage, or other Acts of Royal Authority, or even ſave his unfortunate adherents in the Iriſh War of 1689, 1690, and 1691, from the charge and conſequences of Rebellion.

Thus we ſee that the poſſeſſion of the Crown of England, *quocunque jure*, is conſidered, by our Laws, as carrying with it the legal title and poſſeſſion of the Crown of Ireland, and a Caſe has occurred in our hiſtory, where ſuch an event took place, in direct oppoſition to an Iriſh Act of Parliament.—I allude to the following inſtance.

By

By the Iriſh Act of 28th of Henry VIII. Cap. 2. intitled "*An Act of Succeſſion of the King and Queen Anne*," the Succeſſion of the Crown of Ireland is, in purſuance of an Engliſh Act, ſettled, in prejudice of the right of the Princeſs Mary daughter of Henry VIII. and Queen Catherine, on the iſſue of Henry VIII. and Queen Anne Boleyn, and, *by name*, on the PRINCESS ELIZABETH, yet, on the demiſe of Edward VI. when Mary was proclaimed, in London, Queen of England, ſhe was, in a few days after, proclaimed Queen in *Ireland*, without any previous conſent of the Lords and Commons of this kingdom, in direct oppoſition to the limitations of the ſaid Iriſh Act of the 28th H. VIII. Cap. 2. but merely on the ground of her title to the Engliſh Crown having been recogniſed *in England*, and in conſequence of the following letter from the Lords of the Council in England to the Lords Juſtices and Privy Council of Ireland.

E. Rot. Canc. Hib. Anno. 1ſt Mary.

Extract — "Ye ſhall underſtand our Sovereign Lady and Miſtreſs Queen Mary, being indeed the very rightful and undoubted heir unto our late Sovereign Lord and Maſter Edward VI. was by us yeſterday, here in London, proclaimed Queen of England, France and Ireland, as, by the Proclamation herewith ſent, ye may perceive, whoſe Majeſty is now rightfully and juſtly poſſeſſed of the Crown; wherefore we do pray and charge you, in her Majeſty's name, not only to ſee the ſaid Proclamation proclaimed and ſet forth to the whole realm, but alſo to cauſe good Order to be taken for the preſervation of her Majeſty's peace, until her Majeſty's pleaſure ſhall be ſignified—dated 20th July, 1553."

N. B. The inrolment is ſigned by one of the Lords Juſtices, and five of the Privy Council of Ireland.

Having thus clearly proved, from our own Laws, that Ireland has, ſince the acquiſition thereof

thereof by the Crown of England, been conſidered as *the Dominion of the King of England for the time being, inſeparably annexed to and dependant on the Imperial Crown of that realm*, it ſeems of much weaker and leſs concluſive authority to cite Engliſh Statutes in ſupport of the ſame Doctrine : I ſhall therefore omit them.—They are many in number, clear and preciſe as to the point, and ſeveral of them have been cited, recogniſed and approved by various Acts of the Parliament of Ireland.

The Succeſſion to the Crown of England, France and Ireland is ſettled by the Engliſh ſtatute 1ſt W. and M. Seſſ. 2. Cap. 2.—and 12 and 13 W. III. Cap. 2.—the authority of which Acts is ſupported and recogniſed by the Iriſh Acts of 2 Ann. Cap. 5. and 2 Geo. 1. Cap. 2.—It is obſervable that theſe Iriſh Parliaments of Queen Anne and Geo. I. in paſſing theſe Acts did not think themſelves competent to ſettle the Succeſſion of the Crown of this Realm; they merely recite the

the Engliſh Acts of Succeſſion, as neceſſarily binding in this Kingdom, and inflict the puniſhment of High Treaſon on ſuch who may be found wicked enough to oppoſe them.

It is, by many Acts of the Engliſh Parliament, declared to be High Treaſon, by writing or otherwiſe, to deny the power of the King, Lords and Commons to limit, arrange or alter the Succeſſion of the Crown of England, and, on ſuch limitation by the Legiſlature of England, is founded the preſent right of the Houſe of Brunſwick to the Crown of England, France and Ireland, Scotland having acceded thereto by the Act of Union.

Thus we ſee that the Succeſſion to the Crown of Ireland is now ſettled by the Act, not of the Iriſh, but of the Engliſh, Parliament; let us conſider whether this ſucceſſion, or any ſubſequent change therein, can be in any manner affected by the late Acts of the Britiſh Parliament repealing the Declaratory

Declaratory Act of the 6 Geo. I. and renouncing all authority to legiſlate for Ireland.

No Man will be found ſhameleſs enough to aſſert that, when Ireland aſſerted her Independency of the Britiſh Legiſlature, ſhe could have thereby propoſed to ſeparate from the Britiſh Crown.—It was the declared ſenſe of the Iriſh Parliament that, on a grant of legiſlative Independence to Ireland, no conſtitutional queſtion could poſſibly remain to occaſion diſpute or jealouſy between both kingdoms—that Ireland was, and muſt be for ever, knit to the Crown of Great Britain, and that, ſharing the Conſtitution of Great Britain, we were determined to ſhare her fate, ſtanding or falling with the Britiſh Nation.

It is therefore clear that, as every modification of the Crown or Executive Power of Great Britain muſt neceſſarily take effect from the authority of the Britiſh Parliament, no Act of that Parliament changing the limitations, or ſucceſſion of the Britiſh Crown,

Crown, ſhould be conſidered as a Cauſe of Jealouſy to Ireland, or a breach of the Act whereby Britain renounced the power to legiſlate for Ireland—the inſeparable annexation of the Crown of Ireland to that of Great Britain is an original and fundamental Act of Union, prior and paramount to Acts of Parliament, the great corner-ſtone of fœderal compact, and the unalterable political MAGNA CHARTA of the Conſtitution. I believe, therefore, that no Man will be found hardy enough, on reflection, to aſſert that, as our Law and Conſtitution are at this moment ſettled, Ireland can have any King but that of Great Britain, by whatſoever title ſuch King may hold his Crown, by Act of Parliament or otherwiſe—the contrary opinion was raſhly hazarded in the warmth of debate, thrown out as the aſſertion of intemperate party, but unſupported by even the ſhadow of argument.—I thought it, however, my duty to clear up this point at length, and by a detail of authorities from our Hiſtory and Laws, as, from the inſeparable unity of the

Crown,

Crown, I hold it concluſive that the unity of the Executive Power, aſſiſtant to the Crown in both kingdoms, muſt neceſſarily follow.

On what great and univerſal principle is this concurrence of the Engliſh and Iriſh Statutes founded, as to the abſolute and neceſſary indiviſibility of the two Crowns?—Certainly on the neceſſity of providing, in the moſt effectual manner, for the maintenance of the ancient rights of the Engliſh Crown, for the promotion of the ſolid intereſts of the ſubjects of both Countries, and for the ſupport of the Engliſh Laws and Conſtitution granted to, and received by, the People of Ireland; all which ſalutary purpoſes can be effectually obtained only by keeping, entire and unimpaired, the Unity of the Supreme, Executive and Controuling power of the Empire, in which conſiſts the ſtrength of the whole, and the ſecurity of every part, of the Britiſh Empire.

Let

Let us firſt examine, by ſuch lights as Hiſtory can afford us, the truth of this poſition that the Executive Power, whether exerciſed directly by the Crown, or by one or more perſons in the name and aid of the Crown, muſt be always ONE AND THE SAME in both kingdoms, and that the Government of Ireland muſt neceſſarily follow the Adminiſtration of the Crown of England, as a Satelite follows its primary Planet, as every acceſſary follows its principal.

I ſhall produce ſome of the moſt memorable inſtances of Engliſh Regencies, and ſhow their influence and controul over the Government of Ireland, almoſt in every period of our Hiſtory.

Rymer, 1ſt vol. paſſim.

Cox, p. 64, &c.

In the Reign of Henry III. the Earl of Pembroke, by his own authority, aſſumed the Regency of England during the King's Minority.—The Commiſſions under the Great Seal of England within that period, of which there are many on Iriſh buſineſs and

and directed to perſons in Ireland, are in the King's name, and generally *Teſte meipſo.*

A. D. 1326.—During the minority of Edward III. the Parliament appointed a Guardian and Council.—Many Commiſſions iſſued to Ireland under the Great Seal of England as before, *Teſte meipſo*, and ſometimes *Teſte Cuſtode.* Rymer, Vol. 2

In the firſt year of Edward III. while yet a Minor of 14 years of Age, his Guardian and Council iſſued letters to Ireland, entitled, "*Literæ mandatoriæ magnatibus Hiberniæ ſuper ſuſceptione regiminis et Juſticiario Hiberniæ conſtituto*" they all begin *Rex, &c.*

A. D. 1377.—During the minority of the King, then eleven years old, the Duke of Lancaſter and a Council of Regency, appointed by the Parliament of England, governed both Kingdoms.—The Commiſſions of this Regency, iſſued to Ireland, are, Rymer, Vol. 3.

are, as before, under the Great Seal of England.—One of them is to ſummon a Parliament in Ireland.

Rymer, Vol. 4. A. D. 1422.—Henry VI. then an infant nine months old, aſcended the throne; during his long minority both Kingdoms were governed by a Regent and Council appointed by the Engliſh Parliament: the Commiſſions under the Great Seal of England during this minority, many of which are directed to Ireland, are in the King's name, generally *by the Advice and Conſent of the Council* and *Teſte meipſo.*

In this Minority, Articles of grievances were ſent to the King by the Lord Deputy and the Lords Spiritual and Temporal and Commons of Ireland, praying remedy "*by advice of his right worſhipful and wiſe Council and Governors;*" and ſimilar articles were ſent to each of the King's Council or Governors.

A. D.

A. D. 1483. Edward V. then thirteen years old, aſcended the throne—the Duke of Gloceſter was declared Protector by the Privy Council.—Commiſſions iſſued to Ireland under the Great Seal of England, as in former Regencies.

A. D. 1546.—Edward VI. became King, then nine years old.—Sixteen Executors, appointed by Henry VIII. under an Engliſh Statute, choſe the Earl of Hertford, PROTECTOR.—Commiſſions to Ireland as in former Regencies. Rymer, Vol. 6.

A Commiſſion under the Great Seal of England, in the 1ſt. of Edward VI. is directed to the Deputy, Chancellor, Vice-Treaſurer, &c. of Ireland, returnable into the Iriſh Chancery "*faciendi ea omnia quæ in inſtructionibus præſentibus annexis exprimuntur.*" *Teſte Rege* 4 *Mar.* 1547. Rymer, 6 Vol.

Who gave theſe inſtructions to Ireland?—certainly the Engliſh Protector and Council.

4. Ed.

Rolls Office. 4. Ed. VI.—Kings Letter for Sir Thomas Cuſack to be Lord Chancellor, and, *inter alia*, for ſummoning a Parliament.

Rolls Office. There are Parliament Rolls in this Regency, tho' there are no Statutes in print—they do not take any notice of the Regency.

Of Regencies ſince the Revolution there have been many, particularly in the reigns of W. III. and Geo. I. and II.

By the Engliſh Act of 2d. W. and M. cap. 6. Queen Mary was appointed Regent in the abſence of King William out of England.—By the 1ſt. W. and M. Seſſ. 2. cap. 2. She had no power in the Government, but the whole authority was veſted in King William during his life.—So that Queen Mary's Acts of State and Government, after the 2d. of W. and M. cap. 6. were thoſe of a Regent under a Statute, and not of a Queen Regnant, and, as Regent, (tho' neither appointed or recogniſed by the Iriſh Parliament) She iſſued Commiſſions, &c. under the Great Seal of England to Ireland.

1697. April

1697 April 2.—King William appoints a Council of Regency which governed Ireland without any recognition, and it is obſervable that the Princeſs Anne of Denmark, then Heir Apparent, and not merely preſumptive Heir of the Crown, was not included in this Council of Regency—the ſame is obſervable in the Regencies of Geo. I. and II.

During theſe Regencies of W. III. and Geo. I. and II. all the Commiſſions under the Great Seal of England, directed to this country for the appointment of Chief Governors, Chancellors, &c. are in the King's name, and *teſte'd* by the Regents, and particularly the Commiſſions annexed to ſuch of the Iriſh Bills as paſſed during theſe Regencies, of which there are many, authorizing the Chief Governor to give the Royal Aſſent, are in the King's name, teſted by the Regents, and ſubſcribed by "the Guardians and Juſtices of the King-"dom."

In

In 1695 the Lord Deputy in his Speech to the Commons ſays, " the Lords Juſtices " of England have, with great application " and diſpatch, conſidered and tranſmitted " all the Bills ſent to them."

All the Commiſſions, Writs, &c. iſſued under the great Seal of the Kingdom of IRELAND for the appointment of Lords Juſtices of Ireland, &c. &c. during the period of the ſeveral Regencies above mentioned, are in the King's name, and teſted by the Chief Governor or Governors of Ireland, and are, in all reſpects, in the ſame form as at other times, the Regents not being mentioned in them.

Thus it is manifeſt, from the whole progreſs of our hiſtory, that the perſon or perſons acting in the name and in aid of the Crown of England, in whatſoever manner, or by whatſoever name, appointed, did at all times, thro' the medium of the Great Seal of England, direct and controul the operations of the Government of Ireland, without

without the appointment, or even the recognition, of the Iriſh Parliament.—The King's authority, conveyed by the Great Seal of England, gave life and vigour to the general Adminiſtration of the whole Empire.—The Chief Governor or Governors here, Officers appointed by the King and his Council of England, and under the Great Seal of England, repreſented the perſon and authority of the King, as much in the periods of Regencies, as when the Kings exerciſed their own perſonal authority in England; and, as to any acts requiring the Great Seal of Ireland, that was always affixed, by direction of the Governors of this Kingdom, in the name of the King, and without taking notice of the exiſtence of any Regency whatſoever: So that, to all intents and purpoſes, the exiſtence or non-exiſtence of a Regent was never conſidered as a point neceſſarily within the reach or obſervation of the Iriſh Parliament, who, equally at all times, ſaw nothing but the name, authority and ſeal of the King in all the acts of the executive Government.

Now, in aid of our knowledge derived from hiſtory and our records, let us ſee whether neceſſity, or expediency as ſtrong as neceſſity, does not require that the ſupreme Executive Power, whether ſtyled King or Queen, Regent or Protector, Juſtices or Council of Regency, muſt be one and the ſame thro' all parts of the Empire, for all purpoſes of general import.—Peace and War, Alliances with Foreign Nations, the maintenance of ſimilar Laws in both Kingdoms, and a thouſand other concerns of common import particularly demand, for Great Britain and Ireland, ONE EXECUTIVE, from whoſe Adminiſtration all the delegated authorities muſt proceed—this muſt appear indiſpenſibly neceſſary in every Act of State, and, if poſſible, more than in any other proceeding, in the Acts of the Iriſh Legiſlature, as ſettled by our own laws within a very recent period.

By the 21. and 22. Geo. III. cap. 47. No Bill can become an Act of the Iriſh Legiſlature, unleſs it have previouſly annexed thereto the authoritative Stamp of the

Great

Great Seal of Great Britain;—the Iriſh Parliament conſidered this as an unequivocal mark of the approbation of the executive power of Great Britain, and a bond of the union and harmony of both Kingdoms.—The Great Seal of Great Britain being the ſole Organ of the publick will, or aſſent, of the Executive Power of Great Britain, is, of courſe, under the controul and at the diſpoſal of *that* Executive Power, without whoſe conſent, therefore, no Bill can paſs in Ireland.

The particular Commiſſions, impowering the Chief Governors of this Kingdom to give the Royal Aſſent to Bills, are always under the Great Seal of Great Britain.—That Symbol alone can convey the Royal Will to the Commiſſioner, and he becomes the organ of the Royal Aſſent to ſuch Bills, when *ſo impowered*, and not otherwiſe.

It muſt be admitted that, when Ireland aſſumes the right of naming *her own* EXECUTIVE POWER, ſhe ſuppoſes THAT POWER *neceſſarily* inveſted with all the

rights and ſtrength of effective government, and the Crown's Voice in the Legiſlature; but, it is demonſtrable that, by the Laws of Ireland, ſhe, in naming an EFFECTIVE EXECUTIVE POWER, can only name that of Great Britain.—The power of choice or deliberation being excluded, it ſeems highly ridiculous to aſſert a right of nomination.

But, if the Parliament of Ireland can chuſe and name the Regent of Ireland, ſhe can, and ſometimes poſſibly may, name an Executive Power different from that of England, who muſt, in ſuch caſe, exerciſe the King's Authority without the known Symbol of the Royal Will, and in direct oppoſition to our own Acts of Parliament.—The ſtate of parties may be ſo different in the two kingdoms as that the weaker in Great Britain may prove triumphant in Ireland; this often has been, and will be, the caſe, and, ſurely, it would be highly dangerous to leave the great principle of the Unity of the Empire to the remote chance of two diſcordant

parties uniting in the choice of one Object at the Election, particularly when it is conſidered that the exaltation of the favourite perſon renders him the decided and effectual Supporter and Protector of that Party to which he owes his elevation.—The greater or leſſer degree of fitneſs for that great office will, then, be determined by the intereſted judgment of men, pledged to oppoſe each other in every thing—thoſe judgments will, of courſe, differ; and that difference will be conſidered as a ſufficient ground for an oppoſite election, and, conſequently, for a ſeparation.

In ſuch a caſe, not only a ſeparation of the Governments of Great Britain and Ireland muſt enſue, but a malignant jealouſy, eaſily awaken'd into actual hoſtility.—The choice of a different Executive power is, in itſelf, a receſſion from the Dominion of the Crown of England, to which this Land of Ireland is, by every Law of this Kingdom, declared to be appendant, annexed and belonging.—It is, in itſelf, a commencement of hoſtility not eaſily forgiven

forgiven by a Nation well acquainted with her rights and authority, and well able to aſſert them.

Is there a Man of Engliſh blood in this Country, zealous for the Laws and for the Proteſtant Religion, anxious for the deareſt rights of himſelf and of his poſterity that will riſk the conſequences of ſuch an event——? Our ſituation, our poverty, the nature of our people, the variety and oppoſition of our different Religions, the claims of our ancient Land-owners or their deſcendants, muſt form an inſuperable bar to any ſtate of abſolute ſeparation from the Crown of England, in which our preſent eſtabliſhed Religion and the intereſts of its profeſſors muſt not be the immediate victims.—On a ſeparation from England, Ireland, deprived of *her* foſtering Aid and Protection, and confined to her own internal reſources, muſt neceſſarily experience the uſual conſequences of a ſtate of Society.—The Intereſts, the Religion and the power of *the few* muſt yield to thoſe of

the

the many.—The prejudices, the paſſions, the avarice, the ambition, and what may be called the natural rights of man will be exerted; Eſtabliſhments, of long ſtanding, will be conſidered, comparatively, as innovations.—Properties, long ſettled, will be attacked as uſurpations; and thoſe days of miſery and violence will return, from which no WILLIAM will be found to relieve this devoted Country.

The Experience of the paſt Age ſhould guide the preſent.—The torch of Hiſtory ſhould irradiate the policy of nations.—Hiſtory is Philoſophy teaching by Experience.

What were the great objects of the Parliament of James II. in 1689? What were the means adopted for the attainment of thoſe objects? and what muſt have been the neceſſary conſequences of ſuch attainment?

The Objects were an entire Separation from the Crown of England—a total and abſolute

abſolute Independence—a King of Ireland *excluſively*—an Annihilation of the Proteſtant Religion and of Engliſh Influence and Property in Ireland.

The means adopted were,—The formation of a Parliament purely Iriſh—Acts of Independency, Attainder, Alteration of the Property of the Church, Revocation of the Act of Settlement, &c. paſſed in that Parliament.—Acts of Imperial State of King James, under the Great Seal of Ireland; and, at length, open War againſt the Government adopted by the People of England.

If Providence had not interfered and ſent the GREAT DELIVERER to the relief of this, then diſtracted, Kingdom, what muſt have been the Conſequences?—Thoſe which neceſſarily muſt ariſe from natural cauſes:—The power of the multitude muſt have overborne the reſiſtance of the few—the great Majority of the People (which a modern Reformer in politics exultingly

exultingly calls the phyſical ſtrength of the Nation) muſt have prevailed—Property muſt have been reaſſumed—no preſcription of long poſſeſſion would have availed—the weight and authority of offices in every order of the State muſt have followed property, and a Legiſlature, firmly built on that Baſis, would for ever have annihilated the Rights and Liberties, the Laws and the Religion founded by the arms, the wealth, and the protection of England, and cemented by the blood of the Anceſtors of the preſent Legiſlators of Ireland.

I moſt ſincerely believe that many, very many, worthy men, who have ſwelled the majorities in both houſes of Parliament on the late Queſtions, have acted, merely without caution, and not in the idea of furthering a ſyſtem pregnant with ill conſequences: even in the beſt ſuſtained debate, the warmth of party, and the tumult of popular aſſemblies frequently prevent the "ſtill ſmall voice of Reaſon" from

from being heard :—In the cloſet alone do we find time for mature and unbiaſſed reflection ;—*there*, the honeſt Legiſlator will reconſider his actions; will be the ſevere critic on himſelf; will diveſt himſelf of all prejudice againſt Government, and of all attachment to Party; will examine the queſtion in every poſſible point of view, and, if he ſhall diſcover his error, will avow his miſtake openly and in the face of his Country.—To men of that honourable deſcription, and to the landed proteſtant Noblemen and Gentlemen of Ireland I particularly addreſs theſe few pages, and now beg leave to call their attention to a brief ſtatement of the late proceedings in the Iriſh Parliament on the queſtion of Regency, and ſome Obſervations thereon.—In this Sketch, when I ſhall write of men or their meaſures, I mean to avoid, all, but public, conſiderations ; I have many acquaintances, and I believe ſome friends, engaged at each Side of the queſtion : Some of thoſe whom I moſt eſteem and love have taken up, on this

this point, ideas of the Conſtitution and real intereſts of Ireland totally oppoſite to mine, and have ſupported them, on principle, with a manly and honourable perſeverance and ability; but, I have been early accuſtomed to think for myſelf, to examine ſuch points as are within my ſphere of knowledge, by the beſt vouchers and authorities in my power, and, from ſuch examination alone, to deduce my own conviction.——"amicus Plato, amicus "Socrates, ſed magis amica veritas."

From the day on which the Britiſh Lords and Commons aſſembled after their Prorogation, their attention had been directed to the great and important duty of ſupplying the Exerciſe of the Supreme Executive Power, which had been ſuſpended by the much lamented indiſpoſition of his Majeſty.—Men of the greateſt ability and knowledge, and high in the Councils and Confidence of his Royal Highneſs the Prince of Wales, had, in each Houſe of Parliament, unequivocally aſſerted his

excluſive

exclusive right to the Regency as Heir Apparent of full age, and that such right devolved to him necessarily, and as much as the Crown itself would, by Law, descend to him *instanter* on the demise of his Royal Father.

A temporary incapacity was thus compared to a natural demise, and the rule of hereditary and indefeasible right was extended, by the forced construction of men *calling themselves* Whigs and Revolutionists, to a casual and transitory Office of the State, which as occasions may arise, the Constitution of England admits merely as assistant to the Supreme Executive Power: —the People of Great Britain were, by some who *called themselves* Whigs and Revolutionists, to be now deprived of any deliberative voice on a great question of State and Policy, not provided for by any express Statute Law, but which, even in periods of less enlightened freedom, had, in analogous cases, been uniformly referred to the authority and decision of the Parliament,

Parliament, that is, of the People of England.

But the attempt was ſoon baffled; the uninfluenced Men of the nation, the Country Gentlemen, took the alarm; the friends of the *nominal Whigs* diſclaimed, or at leaſt ſoftened, the aſſertions of thoſe unfortunate leaders, and the Prince, whoſe benefit they appeared to conſult, beſt knew his own rights and the privileges of the People in Parliament, from whom alone he meant to deduce his title of Aſſiſtant to his Majeſty in the adminiſtration of his Government.

A Bill for this purpoſe was accordingly, with the Prince's acquieſcence, brought into the Engliſh Houſe of Commons, and in its regular train of progreſs, when the Iriſh Parliament met on the 5th of February, 1789.

His Excellency the Lord Lieutenant opened the Parliament by a Speech declaring the

Indiſpoſition

indiſpoſition of his Majeſty, on which ſubject he laid before them ſuch documents as were then in his hands, and expreſſed his intention of communicating to them ſuch as hereafter might be within his power.

Long before the opening of the Iriſh Parliament, it was known what part would be taken on the queſtion of Regency, by thoſe who have been in the habit of *calling themſelves* the Patriots of Ireland. Many of them had, on former occaſions, decidedly ranged themſelves under the Standard of that great Engliſh Party which had long been under eclipſe, but which was ſoon expected to ſhine with redoubled light and influence; the Policy of the Engliſh Oppoſition had long been directed to the maintenance of a ſubordinate Party in Ireland, pledged to riſe or fall with their Engliſh friends and creators; ſome of the Chiefs of this Iriſh Confederacy had, about this time, taken their annual flight to England to receive new lights and inſpiration at the ſhrine of POLITICAL VIRTUE, and, with them

them, migrated ſome callow birds who tried unfledged wings under the guidance of their more experienced leaders.

Behold them now returned, having ſate on the ſacred Tripod, and full of the God! —On the benches of both Houſes they were reinforced by many auxiliaries, who, deep in all the maxims of wordly prudence, conſidered the ſtrong ſide as always the beſt, and who, with the fondeſt eagerneſs, look'd forward to new times, as productive of new emoluments:—Having exhauſted the favours of a liberal and indulgent Government, they ſought for further Supplies in the gratitude of a new and ſplendid Adminiſtration; by plucking off the right of Majeſty from the Parent Tree, they expected to ſee a new branch haſtily produced, which, to them, ſhould ſhine with equal, or ſuperior ſplendor and advantage:

" ——— Primo avulſo non deficit alter
" Aureus, et ſimili frondeſcit virga metallo :"

The popular director in the Houſe of Commons ſaw, with joy and aſtoniſhment, men of various deſcriptions, of different countenances,

nances and complexions, ranged in Battalia around him;—like Mithridates, he ſpoke to each in his own language, flattered their hopes, ſoothed their prejudices, received their repentance, granted them abſolution for all their political ſins, andprevailed on his ancient forces to receive their new allies with every mark of joy and gratulation.

A prudent and experienced General claſſes his forces according to their different powers, arms, nations, and properties, and gives them diſtinctive names accordingly—this latter body was known by the name of RATS, from a familiar alluſion to the known and prudent inſtinct of thoſe animals, in quitting a falling houſe or a ſinking ſhip, and much was expected from the deſperate valour of thoſe deſerters, who, on the defeat of their army, according to the rules of war, could never expect quarters.

Diſappointment added many to the aſſociated army.—The public œconomy of the oppoſite

oppoſite General, was on too contracted a ſcale for their enlarged power of expenditure.—He diſcouraged marauding and foraging, and endeavoured to revive the long obſolete ideas of Roman diſintereſtedneſs and Spartan diſcipline:—his Commiſſaries were obliged to account and make true muſters; his purveyors of ammunition and ſtores were kept to their duty or ſeverely puniſhed.—The People, who were thus protected from pillage and peculation, bleſſed him, but his army crumbled away at every moment, ſuch was the contagious power of Mutiny and Deſertion.

At ſome diſtance from this motley band were ſeen ſome whoſe Love of their Country, whoſe Ability and Integrity, had never been doubted, and frequently been proved on the moſt trying occaſions:—in ſome occaſional movements they were now ſeen under the Standard of Oppoſition, but they demonſtrated the integrity of their principles by ſcorning a blind adherence to the dictates of Party, and by refuſing to be

the dupes and accomplices of an ill-timed and miſguided reſentment.

An Addreſs to the Prince of Wales paſſed the Houſe of Commons, praying him to aſſume the Royal Authority in Ireland without any reſtriction whatſoever—this Addreſs was conceived in extreme haſte, drawn up in much confuſion, and paſſed with little conſideration; it was oppoſed by Law and Reaſon, but ſupported by the magical power of numbers; it purported to convey, on the inſtant of an anſwer in the affirmative, and without any ſubſequent connected Law, the whole royal prerogative to the Prince of Wales; to diveſt the King of the exerciſe of his Royal power, on the mere faith of copies of reports of Phyſicians not under the controul or examination of our Parliament, and with no conſideration of the proceedings of the Britiſh Parliament, unleſs when abuſed by ſome zealous members, who contraſted them with the enlightened, the manly, and the conſtitutional conduct of that of Ireland.

The

The Addreſs, thus hurried thro' the Houſe of Commons, was uſhered into the Houſe of Lords.——There, many of the wiſeſt and oldeſt of thoſe hereditary Counſellors of the Crown ſaw its tendency, and oppoſed it accordingly.—Others of the moſt upright and able, adopted it as a proof of the reſpect of Ireland to the intended Regent; as, in itſelf, conveying no Authority or Regal Power but merely preparatory to a Law for that purpoſe; and ſuch were the public declarations in full Parliament, on this ſubject, of * two of the moſt able, reſpectable, and experienced Lords, who ever ſat in any Houſe of Parliament.

Thus, ſupported by a combination of various motives, and on different conſtructions, grounds and principles, the ADDRESS was voted by the Houſe of Lords, with ſome Amendments expreſſive of a decent condoleance on the dreadful Malady of the Sovereign, which the framers of the Addreſs in the Houſe of Commons had, in

* The Archbiſhop of Caſhel, and Lord Viſcount Pery.

their great haſte, either caſually omitted, or thought entirely unneceſſary.

The ADDRESS, finally adopted by both Houſes, was preſented to the Lord Lieutenant, to be, by him, tranſmitted to the Prince of Wales.

The Lord Lieutenant, relying on his official duty, on the terms and import of his Oath of Office, and not thinking himſelf warranted to tranſmit ſuch an Addreſs to the Prince of Wales 'till he ſhould, by Law, be appointed Regent, declined to tranſmit the Addreſs.

It is clear that the Lord Lieutenant, who is *here* as an Officer or Deputy of the Crown of Great Britain, and appointed by the King, in his Britiſh Council, under the Great Seal of Great Britain, ſtands merely intermediate between the King, or Executive power of the Crown, and the Parliament or People of Ireland:—He is the Channel of communication from the Crown

to

to the Parliament, and *viſe verſâ*, having himſelf no official communication or correſpondence with any perſon or power in Great Britain, but with the King, thro' the medium of his Miniſters in their ſeveral departments—; thus circumſtanced, the Lord Lieutenant, as Lord Lieutenant, cannot convey any meſſage, addreſs or other intimation of the will of the Parliament of Ireland, to any Subject whatſoever, nor, of courſe, to the Prince of Wales the firſt of the Kings Subjects;—If he ſhould ever, in the hour of imprudence and precipitation, convey any Addreſs to a ſubject, ſimilar to that which he was thus deſired to tranſmit, he would probably be thought, by his Peers of Great Britain, ſubject to capital puniſhment, as a betrayer of the RIGHTS of his SOVEREIGN, and of the ANCIENT FŒDERAL CONSTITUTION OF THE BRITISH EMPIRE.

The Spirit of Party, however, was inflamed to double violence, and the Lord Lieutenant's refuſal to tranſmit the Addreſs,

Addreſs, as expreſſed in his Anſwer, was conſidered as a Breach of the Privileges of both Houſes of Parliament, and a Cenſure of their Proceedings.—In vain it was urged in both Houſes that, without a knowledge of the Lord Lieutenant's Patent, and of his Oath of Office, Parliament could not judge how far he might have been really bound by his official Duty and his Conſcience, to return ſuch an Anſwer; fruitleſs attempts were made to induce both Houſes to have thoſe documents laid before them, as the only ſolid grounds of unbiaſſed and honourable Judgment: Votes of Cenſure paſſed with the uſual precipitancy.

In theſe ill-digeſted and haſty meaſures, it is obſervable, that many of the moſt dignified ſupporters of the Addreſs in both Houſes did not concur.——They clearly ſaw that thoſe with whom they had hitherto acted on the queſtion of Regency, were now proceeding much too far, and refuſed to lend the ſanction of their

ſupport

ſupport to party-violence, or to private reſentment.

There are caſes in which the Pupil overleaps the bounds preſcribed to him by his maſter, and the labourer tranſgreſſes the orders of his employer. It is clear that the Britiſh Oppoſition, which had, as far and as long as prudence would permit, aſſerted the excluſive right of the Prince of Wales to the Regency, muſt have intended that this doctrine ſhould be adopted and reduced to practice in Ireland, and muſt have iſſued out *orders* for that purpoſe; but thoſe who were to execute thoſe orders, thought it dangerous to propoſe ſuch a doctrine to the people of Ireland, whoſe principles were thoſe of the REVOLUTION, or judged it right to ſink, in ſilence, the rights of the Heir Apparent, and give the preference to the right of election or nomination of the Parliament of Ireland, thereby more fully to effect that Separation of the two kingdoms which, under the title of total Independency, they had ſo long and ſo earneſtly promoted; a Reſolution accordingly

accordingly paſſed both Houſes " That in " addreſſing his Royal Highneſs the Prince " of Wales to take upon himſelf the go- " vernment of this Country on the behalf " and in the name of his Majeſty, during " his Majeſty's preſent indiſpoſition and no " longer, the Lords and Commons of Ire- " land have exerciſed an undoubted right, " and diſcharged an indiſpenſible duty, to " which, in the preſent emergency, they " alone were competent," by which Reſo- lution, the rights of the Prince of Wales, and of the Parliament of Great Britain, are *equally* abjured.

The Lord Lieutenant having thus declin- ed to tranſmit the Addreſs to the Prince of Wales, the conveyance was intruſted to ſome Members of both Houſes: Some, who ſhuddered at the ill conſequences which might ariſe, if this Addreſs ſhould reach the Prince of Wales, before he ſhould be appointed Regent of Great Britain, requeſt- ed a little delay:—urged the general ex- pectations which were then gaining ground

of

of the King's approaching recovery—inſiſted on the inutility of precipitation in this buſineſs, as the Prince would certainly be appointed Regent in Great Rritain, if the King's indiſpoſition ſhould ſtill continue, and that the deciſion of the queſtion of *Iriſh Right* would, on the preſent occaſion, be therefore totally unneceſſary——all this was whiſtled to the winds—the great Leader of the Majority in the Houſe of Commons contended that *the Principle* ſhould not be given up; that the ſlighteſt delay would be conſidered as a relinquiſhment of it *in theory*, and that there could not, be, in this caſe, any poſſible riſk *in practice*, as the Prince would *certainly* be appointed Regent of Great Britain before the arrival of the Iriſh Commiſſioners, Delegates, or Meſſengers, in London.

Tho' I have, in truth, the higheſt Opinion of the extraordinary talents and merit of the Gentleman who returned this anſwer, yet I do not worſhip him with all the blind zeal of idolatry, nor do I conceive him, like

like the Adam of the Schoolmen, intuitively gifted with *all poſſible knowledge*. On *this Occaſion* he was no Prophet—the Commiſſioners arrived in London, where no Regent was yet appointed—the Prince received the addreſs; but the imprudence and danger of his deciding this queſtion in favour of the newly aſſumed right of the Iriſh Parliament were obvious;—delay was therefore interpoſed, and the happy event of the complete recovery of his Majeſty enabled the Prince to get out of his embarraſsment, by declining the offer of Ireland with the utmoſt Civility, after having received the Commiſſioners at Carleton-Houſe, with all the Condeſcenſion imaginable.

Let us now conſider whoſe Intereſts, Rights and Privileges (next to thoſe of his Majeſty) are moſt immediately and directly injured by the late proceedings in the Iriſh Parliament, ſmoothing the ground for a future ſeparation of the Executive Powers of the two kingdoms.

In

In the firſt inſtance, clearly, thoſe of the Prince of Wales, who, in the fulneſs of time, we all moſt ſincerely hope and truſt, will be the Sovereign Ruler of theſe kingdoms.

Can it be a pleaſing conſideration to his Royal Highneſs, that a foundation is now laid for the future poſſible diſunion of the two Governments, when, in the caſe of minority, abſence, or other temporary incapacity of the reigning King, there may be a neceſſity for eſtabliſhing a Regency by Act of Parliament or otherwiſe? Can his Royal Highneſs ſee, without abhorrence, the conduct of men, calling themſelves his friends, who wiſh to build up for him a ſupport in Ireland, diſtinct from, and oppoſite to, that of his future Parliament and People of Great Britain; of men who ſow the ſeeds of mutual jealouſy, and enmity between both kingdoms by unneceſſarily forcing on the diſcuſſion of a queſtion, the deciſion of which, points to a poſſible, if not a probable, ſeparation? Will his Royal Highneſs, even for a moment, be

prevailed

prevailed upon to turn his eyes from the great Precedent of the REVOLUTION, which ſeated his moſt illuſtrious family on the throne of both kingdoms, and which was binding *in Ireland* merely becauſe it had taken place and been confirmed *in England*, and will he not conſider the dignities, prerogatives and intereſts of his future Royal Crown, and that of his Succeſſors, materially impaired and injured by any Act which directly and neceſſarily weakens the connection of the two Kingdoms now mer ly ſupported by that ſingle thread, THE UNITY OF THE EXECUTIVE POWER? His Royal Highneſs's moſt liberal an unſuſpecting diſpoſition, may hitherto have prevented his ſeeing this tranſaction in its proper light;—his open and grateful heart prompts him to receive, with acknowledgement, the proffered ſervices of thoſe who aſſume an appearance of decided and forward zeal for, what they call, his intereſts; and his moſt benevolent and honourable feelings become two ſtrong for his moſt ex-excellent and diſcerning Judgment—his very

very Virtues thus unfortunately tend to promote and lengthen the deluſion.

But, as TIME, in his rapid flight, bears TRUTH along with him, ſhe will preſent her Mirror to the eyes of the PRINCE, in which he will behold, with aſtoniſhment and regret, the real nature, object and effect of all theſe late proceedings of his pretended friends and adherents; and he will then, and, I truſt, not too late, learn to value, eſteem and protect thoſe who are now pointed out to him as his oppoſers and enemies.

The next claſs of ſufferers, in the future threatened calamity of a ſeparation of the Executive Power of the two kingdoms, is that of the preſent landed Intereſt of Ireland, whoſe tenures, offices, dignities and ſuperior advantages under the preſent Conſtitution of Ireland, muſt ſink into the general maſs, or be holden at the diſcretion of an adverſe and intereſted Majority of the People.

Need

Need I again mention that the Rulers and Paſtors of the preſent eſtabliſhed Church of Ireland, and all who profeſs or call themſelves Proteſtants among us, under whatſoever denomination, will neceſſarily become, in every conſideration of temporal intereſt and religious freedom, materially injured by any diſunion of the *Executive Power*, and by any Act which can render Great Britain unconnected with, or indifferent to, the civil and religious eſtabliſhments of Ireland.

In ſhort, all men now in Office, poſſeſſed of dignities in Church or State, poſſeſſed of Eſtates under Engliſh Titles, whether of ancient or modern date, from the original ſettlement of the Engliſh to the preſent moment, all the hereditary Counſellors of the Crown, all who are, or, under the preſent Laws, expect to be Members of the Legiſlature, all who have Votes or any other Franchiſes above the maſs of the People, all who have any particular weight or influence in the Legiſlature of this kingdom

kingdom as at preſent ſettled, and all who, on liberal and general principles, wiſh to promote the ſolid and real intereſts of the whole Empire, muſt ſuffer by the late innovation, muſt abjure its principles, and muſt, on mature reflection, chearfully promote, recommend, and concur in any effectual remedy which may be propoſed, for the prevention of the threatened evil, the SEPARATION of the NOW UNITED EXECUTIVE POWER.

Parliament which in the hour of heat, of party, and of intereſt, admitted that Propoſition which awakes the apprehenſions of every thinking man in both kingdoms, can alone apply the remedy:—The ruſt of the Spear of Achilles could alone cure the wound it had inflicted—an Appeal was ſucceſsfully made from PHILIP to himſelf, from PHILIP heated and intemperate, to PHILIP cool and diſpaſſionate;—the Monarch gained immortal Glory by redreſſing the injuſtice which he had committed.

In

It cannot be controverted, that Laws are made to procure certainty and deciſion in all caſes which can be the natural objects of Legiſlation, and within the power of human prudence to foreſee: On that principle, Laws are framed for directing the Succeſſion of the Crown, tho', in the courſe of events, a caſe may occur beyond the reach of thoſe Laws, and which, by it's infinite magnitude or danger, may render it neceſſary to recur to firſt principles, and, in preference to all written or ſettled Ordinances, to appeal to the ſupreme and original power of the people.—Tho' ſuch ſingular caſes may ariſe and juſtify a deviation from the known and ordinary ſyſtem, as in the caſe of the GLORIOUS REVOLUTION, yet, it muſt be admitted, that Laws are to be enacted for the maintenance of the general order and conſtitution, and without ſuppoſing the probable exiſtence of ſuch future exception, which muſt be a breach of the Law, juſtified only by the ſtrongeſt neceſſity.

Thus

Thus, tho' the hereditary Succeſſion hath been altered and diverted from its original courſe by the Revolution, yet the Law of hereditary deſcent of the Crown, is ſtill the acknowledged and general Law; and tho' the Power of the People ſtill remains undiminiſhed and Supreme, yet the Law will not ſuppoſe the probability of any future neceſſity of a ſuſpenſion of its own operation.

On this principle, tho' I hold it poſſible, that a Caſe might occur, in which neceſſity may juſtify the People of Ireland, in ſeparating from the Crown of England, yet the Law does not ſuppoſe ſuch a Caſe, and, therefore, the Law of Union of the two Crowns is poſitive and unconditional—the poſſible contingent Abuſe of a Law, ſo ſtrong as to force a recurrence to a diſſolution of Compact, and a breach of the Conſtitution, merely to preſerve political exiſtence, does not, by any means, weaken the Authority of the Law, as the univerſal

rule founded on the ſtrongeſt principles of Policy and Juſtice.

By this rule of reaſoning let us examine the arguments of ſome members of both Houſes of Parliament in juſtification of their precipitancy in forcing the nomination of a Regent for Ireland, before any Regency had been ſettled in Great Britain.

They argued that, as a Caſe might occur, in which, the nomination of a Britiſh regent may be ſo groſsly miſdirected by the violence of party, the corruption of influence, or the uſurpation of violence, as that the choice ſhould be made of a perſon or perſons groſsly and apparently unfit for the truſt, decidedly inimical to the rights and liberties of the people, and peculiarly hoſtile to the commerce, rights, and privileges of Ireland; therefore, in *this Caſe*, where no ſuch danger was threatened, and where the object of our own predilection was known to be the intended Regent

of

of Great Britain, we ſhould decidedly deviate from the uſual and ſettled forms and principles of the Conſtitution:—They argued that we were bound to acknowledge the King of Great Britain, merely becauſe we had ſo fettered ourſelves by our own written Laws, and that, as the caſe of Regency was not included in the expreſs proviſion of thoſe Laws, however included virtually by every principle of analogy, of policy, and of common ſenſe, we ſhould take the advantage of this omiſſion, and, without any neceſſity in this particular inſtance, boldly form a precedent of a poſſible ſeparation.—They did not wiſh that we ſhould have time to conſider that it is highly dangerous to break through the ſettled habits and the unwritten practice of the Conſtitution without the moſt urgent neceſſity; that it is impolitic and dangerous to introduce, *familiarly, and as of courſe*, thoſe violent remedies which ſhould be reſerved merely as the laſt reſources of agonizing nature; and that Revolutions, frequently and unneceſſarily introduced,

would ſoon deſtroy our reſpect for the Laws, and ſhake our frame of Government to its very foundation.

We have, in this late inſtance, ſeen a precedent eſtabliſhed, of an eaſy ſeparation of the executive powers of Great Britain and Ireland, without ſlow and regular deliberation, without the plea of neceſſity, and againſt the decided ſenſe of all the great lawyers in both Houſes of Parliament.—We have heard this extraordinary deviation from ſettled rule juſtified, merely on the plea of having *no written* Law, *expreſsly and in words*, aſcertaining the Conſtitution of the united Empire in the *Caſe of Regency*; and no man has been found hardy enough to aſſert that, if a written law were now exiſting on that point, there is, in the preſent inſtance, any neceſſity of recurring to firſt principles or of deviating from the regulations of the Law.

He therefore will be the real friend of his Country who propoſes, and who procures the

the paſſing of ſuch a Law, by which the Regency of the two Kingdoms may be ſettled on principles of general certainty and ſound policy, as the Union of the two Crowns is now aſcertained:—He will prevent many future ſtruggles for power, many party animoſities, many dangerous civil diſſentions which may hereafter ariſe from the inequality of the great contending parties in both Kingdoms:—By ſuch a Law the general expediency, and even the political neceſſity, of an uniformity of Government in both Countries will be confirmed and aſcertained; by ſuch a Law, no great and urgent caſe of neceſſity, threatening the diſſolution of civil and religious rights and liberties, can be ſuperſeded, and yet, the reſpect due to ſuch a law will prevent its infringement on any, but the moſt abſolutely important, occaſions:—By ſuch a Law, *paſſed in our own Parliament*, the dignity of our own Legiſlature will be ſupported even according to the warmeſt wiſhes of the moſt independent ſon of Ireland; by ſuch a Law alone can we prevent the various ill

conſequences

conſequences which may ſpeedily ariſe from the haſty and unneceſſary ſeparation of the two executive powers; conſequences fatally affecting our Properties, our Laws, and our Religion; by ſuch a Law alone can we become a firm and component part of a great Empire, connected by the great bond of ONE KING, ONE FAITH, AND ONE LAW; and by ſuch a Law alone can we fulfil our ſolemn aſſurances, made on the reſtoration of our Parliamentary independence, that We will ſhare the fate of Great Britain, having one common and indiſſoluble intereſt with her's, and ſtanding or falling with the Britiſh nation.

When I conſider that, in the late proceedings, Majorities were raiſed in both Houſes of Parliament of perſons acting together under various motives, ſome actuated by ſelf-intereſt, many by private reſentment for ſuppoſed inſults or unmerited diſappointments, others by the eager hope of recommending themſelves to the notice

and

and protection of the expected Adminiſtration, and ſome from the apprehenſion of forfeiting their preſent ſituations by a fruitleſs defence of their Royal Maſter, I cannot think that ſo heterogeneous a body can long remain united: On the mixture of different ſubſtances, of various weights and properties, their union only continues as long as they are kept in violent agitation—when that ceaſes, their repelling or their attractive powers, their greater or leſſer gravity, in ſhort their various and oppoſite properties will cauſe them to take their own places according to the fixed laws of matter.—Time and reflection, and the conſideration of publick good and private intereſt, will produce the ſame effects in our preſent fermenting mixture; and the lead and the feather, the oil and the vinegar, the gold and the droſs, will all ſoon ſubſide and form their regular ſtrata in political tranquility.

The attempt will be found vain to unite men of various and oppoſite principles in one great chain of confederacy; aſſociations, ſolemn

ſolemn leagues and covenants, writings and ſeals may be ſuggeſted by thoſe who clearly ſee that there is no cementing principle of public Virtue to ſtrengthen the building, but ſuch miſerable expedients will be found of no avail; the general voice of the nation will be raiſed againſt thoſe dark and ſecret proceedings uſual only among thoſe who conſpire the deſtruction of States and the diſſolution of Society. The enlightened men without doors, men who conſtitute the bulk of the Electors of the Nation, will ſee the danger of intruſting the care of their rights and liberties, of their commerce and properties, to repreſentatives who aſſemble in ſolemn and myſterious ſilence, and pledge themſelves to ſome mode of obſtructing the regular and neceſſary buſineſs of Government, in the due and ordinary revolution of which the intereſt of every citizen is eſſentially concerned.—The myſteries of the Eleuſinian CERES were deceits on the credulity of ancient Greece, but the Philoſophers ſaw, and deſpiſed, the impoſition. —The ſilence of thoſe who deſcended into

the

the Cave of TROPHONIUS could not preſerve the Deity and the Prieſts from detection and contempt.

PUBLIC VIRTUE is of an open and dignified countenance, placed in general view, on the ſummit of the hill, and beaming, in full Majeſty, from the front of her temple: —PARTY ſcoops her cavern in the neighbouring clift, overſhadowed with yew, and impervious to the Sun:—her Votaries approach her Shrine in the dead hour of night; they murmur their vows indiſtinctly; they mine in ſecret, and unite, in vain, to ſap the eternal foundations of the ſacred FANE of VIRTUE.

The ardent wiſhes of every true friend of this country muſt be directed to the eſtabliſhment of a ſolid and permanent union of her Executive Power with that of Great Britain; that alone can ſecure their harmony and unanimity, without which the nerves and ſinews of the Empire muſt be weakened and contracted; that alone can

prevent

prevent the pernicious effects of thoſe daily ſtruggles for power which muſt endanger the connection of the two kingdoms, if not placed on an unqueſtionably legal foundation:—that alone can ſave from deſtruction the liberties, the intereſts and the eſtabliſhed religion of Ireland, which muſt neceſſarily be annihilated when unconnected with Great Britain;—and this good work can be ſolidly effected by our own Parliament, without yielding even the appearance of ſuperior authority to any other body or power whatſoever.

I have no doubt that, in a period not very diſtant, the moſt able, upright and diſpaſſionate among the Legiſlators of Ireland will ſee the neceſſity of placing this great point of national importance beyond the reach of tranſitory intereſts, of caſual circumſtances, and of the moſt uncertain fluctuations of party:—a cloud now hangs on the brow of every thinking man in Ireland, which they alone can remove; they alone can diſſipate thoſe doubts which, from

from ſome late tranſactions, the Electors of this Kingdom begin to entertain of the wiſdom, the coolneſs, the moderation, and the temperate and well regulated patriotiſm of their Parliaments; they alone can reſtore dignity to the State, effect to the Government, ſecurity to the Religion, and ſtability to the Laws, the Intereſts, and the Conſtitution of Ireland.

APPENDIX.

APPENDIX.

The Fourth Year of WILLIAM and MARY.

CHAP. I.

An Act of recognition, of their Majeſties undoubted Right to the Crown of Ireland

FORASMUCH as this kingdom of Ireland is annexed and united to the Imperial Crown of England, and by the laws and ſtatutes of this kingdom is declared to be juſtly and rightfully depending upon, and belonging, and for ever united to the ſame; and the Kings and Queens of England are by undoubted right Kings and Queens of this realm, and ought to enjoy the ſtile, title, majeſty, power, preeminence, juriſdiction, prerogative and authority of Kings and Queens of the ſame: and whereas our ſovereign liege lord and lady, King William and Queen Mary, ſince their happy acceſſion to the crown of England, with great expence of blood and treaſure, and the extreme hazard

zard of his Majeſty's royal perſon, have delivered this their kingdom from the miſeries and calamities of an inteſtine war, and moſt horrid rebellion, raiſed up amongſt us by the Iriſh papiſts, and inſtigated, abetted and ſupported by the power of the French King; thereby ſecuring us againſt the danger of popery and arbitrary power, with which we were threatened in a moſt eminent manner, and have moſt happily reduced this their kingdom to a ſtate of peace and order, and reſtored to us our laws and liberties, and the free and impartial adminiſtration of juſtice: we the lords ſpiritual and temporal and commons in this preſent Parliament aſſembled, in the name of all the people of this kingdom, do, from the bottom of our hearts, with all poſſible thankfulneſs acknowledge the goodneſs of Almighty God, in raiſing up their Majeſty's to deliver us and to reign over us, of whoſe goodneſs, wiſdom and courage, we have already found ſuch happy and bleſſed effects.

II. And to the intent and purpoſe, that we may publickly and unanimouſly own and aſſert our faith and true allegiance to their Majeſties, and that the ſame may remain as a memorial to all poſterity amongſt the records of Parliament in this kingdom: we the lords ſpiritual and temporal and commons in Parliament aſſembled, as we are in duty bound

bound, do recognize and acknowledge, that the kingdom of Ireland, and all titles, ſtiles, royalties, juriſdictions, rights, privileges, prerogatives, and preeminences-royal thereunto belonging, are moſt rightfully and lawfully veſted in their Majeſties King William and Queen Mary, and that their moſt excellent Majeſties were, are, and of right ought to be King and Queen of England, Ireland, Scotland, and France, and the dominions and territories thereunto belonging; in and to whoſe princely perſons the royal ſtate, crown, and dignity of the ſaid realms, with all honours, ſtiles, titles, regalities, prerogatives, powers, juriſdictions, and authorities to the ſame belonging and appertaining, are more fully, rightfully and intirely inveſted and incorporated, united and annexed.

III. And we do beſeech their moſt excellent Majeſties, to accept of this our humble recognition and ſubmiſſion, as the firſt fruits in this preſent Parliament of our faith and duty to their Majeſties; and do pray that the ſame may be publiſhed, declared, and enacted in this high court of Parliament; and the ſame are by their ſaid Majeſties, by and with the advice and conſent of the lords ſpiritual and temporal and commons in Parliament aſſembled, and by the authority of the ſame, declared, enacted, and eſtabliſhed accordingly.

The

The following is the Addreſs to the Prince of Wales, as it firſt paſſed the Commons, February 12th 1789.

To his Royal Highness

GEORGE, PRINCE of WALES.

The humble ADDRESS of

The KNIGHTS, CITIZENS, and BURGESSES,

In Parliament Aſſembled,

May it please your Royal Highness,

WE, his Majeſty's moſt dutiful and loyal ſubjects, the Commons of Ireland in Parliament aſſembled, beg leave humbly to requeſt that your Royal Highneſs will be pleaſed to take upon you the government of this realm during the continuation of his Majeſty's preſent indiſpoſition, and no longer, and under the ſtile and title of Prince Regent of Ireland, in the name and on behalf of his Majeſty, to exerciſe and adminiſter, according to the laws and conſtitution of this kingdom, all regal powers, juriſdiction and prerogatives to the crown and government thereof belonging.

The

The following is the Addreſs which paſſed both Houſes of Parliament, to his Royal Highneſs, the Prince of Wales. February 17th 1789.

TO HIS ROYAL HIGHNESS,

GEORGE, PRINCE of WALES.

THE HUMBLE ADDRESS OF THE LORDS SPIRITUAL and TEMPORAL, and KNIGHTS, CITIZENS, and BURGESSES, in Parliament Aſſembled,

MAY IT PLEASE YOUR ROYAL HIGHNESS,

WE, his Majeſty's moſt dutiful and loyal ſubjects, the Lords Spiritual and Temporal and the Commons of Ireland, in Parliament aſſembled, beg leave to approach your Royal Highneſs with hearts full of the moſt loyal and affectionate attachment to the perſon and government of your royal father; to expreſs the deepeſt and moſt grateful ſenſe of the numerous bleſſings which we have enjoyed under that illuſtrious houſe, whoſe acceſſion to the throne of theſe realms has eſtabliſhed civil and conſtitutional liberty

upon a baſis which, we truſt, will never be ſhaken; and at the ſame time, to condole with your Royal Highneſs upon the grievous malady with which it has pleaſed heaven to afflict the beſt of ſovereigns.

We have, however the conſolation of reflecting, that this ſevere calamity hath not been viſited upon us until the virtues of your Royal Highneſs have been ſo matured as to enable your Royal Highneſs to diſcharge the duties of an important truſt, for the performance whereof the eyes of all his Majeſty's ſubjects of both kingdoms are directed to your Royal Highneſs.

We therefore beg leave humbly to requeſt that your Royal Highneſs will be pleaſed to take upon you the government of this realm during the continuation of his Majeſty's preſent indiſpoſition, and no longer, and under the ſtile and title of Prince Regent of Ireland, in the name and on behalf of his Majeſty, to exerciſe and adminiſter, according to the laws and conſtitution of this kingdom, all regal powers, juriſdiction and prerogatives to the crown and government thereof belonging.

Lord

Lord Lieutenant's Anſwer, on being deſired to tranſmit the Addreſs to the Prince of Wales. February 19th 1789.

UNDER the impreſſions which I feel of my official duty, and of the oath which I have taken as Chief Governor of Ireland, I am obliged to decline tranſmitting this addreſs into Great Britain.

For I cannot conſider myſelf warranted to lay before the Prince of Wales an addreſs, purporting to inveſt his Royal Highneſs with powers to take upon him the government of this realm before he ſhall be enabled by law ſo to do.

Vote or Reſolution of Cenſure, of the Lord Lieutenant's Anſwer, by the Houſe of Commons. February 20th 1789.

Reſolved, that his Excellency the Lord Lieutenant's anſwer to both Houſes of Parliament, requeſting him to tranſmit their Addreſs to his Royal Highneſs the Prince of Wales, is ill adviſed, contains an unwarranted and unconſtitutional cenſure on the proceedings of both Houſes of Parliament, and attempts to queſtion the undoubted rights and privileges of the Lords Spiritual and Temporal, and the Commons of Ireland.

Vote

Vote or Reſolution of Cenſure, of the Lord Lieutenant's Anſwer by the Houſe of Lords. February 23d 1789.

Reſolved, that the Anſwer of his Excellency the Marquis of Buckingham the Lord Lieutenant of Ireland, refuſing to tranſmit to Great Britain, the Addreſs of both Houſes of Parliament, to his Royal Highneſs the Prince of Wales, was diſreſpectful to his Royal Highneſs, and conveys an unwarrantable Cenſure on both Houſes of Parliament.